

1
2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 MONTE L. HANEY,)
6)
7 Petitioner,) No. C 07-4682 CRB (PR)
8 vs.) ORDER
9 DERRAL G. ADAMS, Warden,) (Doc # 11)
10 Respondent.)
11

12 Per order filed on May 5, 2008, the court denied petitioner's motion to
13 amend his petition for a writ of habeas corpus under 28 U.S.C. § 2254 to add an
14 additional claim of sentencing error on the ground that the claim is not exhausted.
15 And, under the law of the circuit, asked petitioner to inform the court in writing
16 whether he wishes to withdraw his unexhausted claim and proceed only on his
17 exhausted claims in the original petition, or dismiss his original petition and
18 return to federal court with a new petition containing all claims once they are
19 exhausted.

20 Petitioner promptly responded that he wishes "to withdraw the
21 unexhausted claim and proceed with the exhausted claims filed in the original
22 petition." Respondent accordingly shall file an answer to the court's January 11,
23 2008 order to show cause by no later than July 11, 2008. Respondent's motion
24 for an extension of time (doc # 11) is denied as moot.

25 SO ORDERED.

26 DATED: May 15, 2008

27 
28 CHARLES R. BREYER
United States District Judge